

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JANICE HENDERSON,
11205 Troy Road
Rockville, MD 20852

Plaintiff,

v.

Case No.:

JANJER ENTERPRISES, INC.
12150 Tech Road
Silver Spring, MD 20904

AND

KRISTIN LEWIS
12150 Tech Road
Silver Spring, MD 20904

AND

BILL CHAPMAN
12150 Tech Road
Silver Spring, MD 20904

AND

THI LEE
6418 Springfield Plaza,
Springfield, VA 22150

AND

NIMISHA
6418 Springfield Plaza
Springfield VA 22150

AND

ANDREW
6418 Springfield Plaza
Springfield, VA 22150

AND

ALYSSA SHERMAN
9624 Pennsylvania Avenue
Upper Marlboro, MD 20722

AND

VINCENT SCIASCIA
PO Box 32045
Lakeland, FL 33802

Defendants.

NOTICE OF REMOVAL

Defendants Janjer Enterprises, Inc. (“Janjer”), Kristin Lewis (“Ms. Lewis”), and Bill Chapman (“Mr. Chapman”), (collectively “Defendants”) by and through their undersigned counsel, respectfully remove the above-captioned civil action, presently pending as Case No.: 2021-0014009 in the Circuit Court for Fairfax County, Virginia to the United States District Court for the Eastern District of Virginia, Alexandria Division. The grounds for removal are as follows:

1. Janjer, Ms. Lewis, and Mr. Chapman are Defendants in the above-entitled action.
2. On October 8, 2021, Plaintiff Janice Henderson (“Plaintiff”), *Pro Se*, filed suit in the Circuit Court For Montgomery County, Maryland, Case No.: 487571V (the “Maryland State Action”) alleging, upon information and belief, violations of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e *et seq.*, pertaining to her employment with Defendant Janjer.
3. On the same day, October 8, 2021, Plaintiff initiated the instant suit in the Circuit Court for Fairfax County, Virginia, Case No.: 2021-0014009 (hereinafter the “Virginia State Action” or “This Action”) alleging, upon information and belief, violations of Title VII, and other causes of action pertaining to her employment with Defendant Janjer.
4. On November 3, 2021, Plaintiff filed an Amended Complaint in the Virginia State Action.

5. On November 29, 2021, Defendants Janjer, Ms. Lewis, and Mr. Chapman were served with a copy of Summons, Proof of Service, Amended Complaint date-stamped November 3, 2021, Statement of Facts, Civil Case Cover Sheet, Complaint date-stamped October 8, 2021, Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission (“EEOC”) dated August 10, 2021, and Plaintiff’s EEOC Charge of Discrimination dated August 10, 2021, pertaining to the Virginia State Action, attached hereto as Exhibits 1-8.

6. This Notice of Removal is being filed with the United States District Court for the Eastern District of Virginia, Alexandria Division on December 20, 2021, within the statutory period set forth in 28 U.S.C. § 1446(b).

7. Upon information and belief, Defendants Janjer, Ms. Lewis, and Mr. Chapman are the only Defendants that received service of process at the time of filing this Notice of Removal. Therefore, removal is proper pursuant 28 U.S.C. § 1446(b)(2)(A).

8. Plaintiff’s action arises from her employment with Defendant Janjer. In the Virginia State Action Complaint, Plaintiff alleges a cause of action for discrimination under Title VII, 42 U.S.C. § 2000e *et seq.* (See Amended Complaint, Ex. 3 at pp. 1-6).¹ Thus, Defendants are entitled to remove This Action to this Court pursuant to 28 U.S.C. § 1441(a) since Plaintiff’s assertions of Defendants’ alleged violations of Title VII renders this suit one over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331

¹ The Amended Complaint alleges Plaintiff “was subjected to Harassment and Intimidating injury in violation of Title VII of the Civil Right of 1964, Federal code 40.1-27.1” “Federal code 40.1-27.3” “40.1-28.1” and “federal code act Unlawful employment practice/8 U.S.C. 1324(a)(1)(A)”. Ex. 3 at pp. 1-2. Based on a reading of the Complaint, Plaintiff’s attached Notice of Right to Sue and Charge of Discrimination, it is presumed that Plaintiff has brought a cause of action under Title VII, 42 U.S.C. § 2000e. Ex. 7; Ex. 8.

9. The United States District Court for the Eastern District of Virginia, Alexandria Division has original jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331.

10. Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), (b) and (d), the state court action may be removed to the United States District Court for the Eastern District of Virginia, Alexandria Division, since it is the federal district embracing the place where the action is pending. Notice of removal of this action will be given to the Circuit Court for Fairfax County, Virginia by the filing in the state court a Notice of Filing of Notice of Removal of This Action to the United States District Court for the Eastern District of Virginia, Alexandria Division, a copy of which is attached hereto as Exhibit 9.

11. Defendants request that the United States District Court for the Eastern District of Virginia, Alexandria Division assume jurisdiction over the above-captioned action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial of this action.

12. By filing the instant Notice of Removal, Defendants does not waive, and fully reserve, all defenses they may have, including but not limited to defenses of improper service, lack of personal jurisdiction, lack of subject matter jurisdiction, and failure to state a claim upon which relief may be granted.

WHEREFORE, Defendants Janjer, Ms. Lewis, and Mr. Chapman request that the above-captioned action be removed from the Circuit Court for Fairfax County, Virginia to this Court and that this Court exercise its jurisdiction forthwith.

Dated: this 20th day of December, 2021

Respectfully submitted,

/s/ K. Maxwell Bernas

K. Maxwell Bernas

VA Bar No. 90553

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Attorney for Defendants

*Janjer Enterprises, Inc., Kristin Lewis,
and Bill Chapman*

CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day of December 2021, I caused the foregoing Notice of Removal to be electronically filed with the Court using the CM/ECF system and that I have caused a true and accurate copy of the foregoing to be served, via first-class United States mail, postage prepaid, on the following:

Janice K. Henderson
11205 Troy Road
Rockville, MD 20852
Pro Se Plaintiff

Thi Lee
6418 Springfield Plaza,
Springfield, VA 22150
Defendant

Nimisha
6418 Springfield Plaza
Springfield VA 22150
Defendant

Andrew
6418 Springfield Plaza
Springfield, VA 22150
Defendant

Alyssa Sherman
9624 Pennsylvania Avenue
Upper Marlboro, MD 20722
Defendant

Vincent Sciascia
PO Box 3205
Lakeland, FL 33802
Defendant

/s/ K. Maxwell Bernas
K. Maxwell Bernas
Virginia Bar No. 90553

WSACTIVE LLP:12781097.1